

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE Mr. JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18582 OF 2001

Between:

Shalimar Agro Tech (P) Ltd.,
Rep. by its Managing Director
19-5-15/6/7, Kishan Bagh,
Bahadurpura, Hyderabad.

..... PETITIONER

AND

1. The Government of India,
Rep. by its Secretary,
Finance (Revenue, Customs),
New Delhi.

2. The Commissioner of Customs,

Visakhapatnam.

3. The Superintendent of Central Excise, Incharge,
Customs House, Kakinada,
East Godavari District.

4. The Deputy Commissioner of Customs,
Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, direction of order one in the nature of Writ of Mandamus declaring Section 14(2) of the Customs Act, 1962 as unconstitutional and invalid and setting aside the notification of the Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, No.36/2001, dated 03-08-2001, issued under Section 14(2) of the Customs Act, 1962 and direct the respondents to recomputed the customs duty liability of the petitioner ignoring the tariff valuation and refund the excise monies collected.

Counsel for the Petitioner: Advocate General

**Counsel for the Respondents: A. Rajasekhara Reddy,
Asst. Solicitor General.**

The Court made the following :

ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

The Writ Petition shall stand dismissed as withdrawn without any order as to costs.

B. SUDERSHAN REDDY, J

Date:09-06-2005.

RAMESH RANGANATHAN, J

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To

1. The Secretary, Finance (Revenue, Customs),
Government of India,
New Delhi.

2. The Commissioner of Customs,
Visakhapatnam.

3. The Superintendent of Central Excise, Incharge,
Customs House, Kakinada,
East Godavari District.

4. The Deputy Commissioner of Customs,
Kakinada, East Godavari District.

5. Two C.Cs. to the Advocate General,
High Court of A.P., Hyderabad (O.U.T.).

6. Two C.Cs. to the Assistant Solicitor General,
High Court of A.P., Hyderabad (O.U.T.).

5) Two C.D. copies.